APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,466	02/17/2004	Kyle Marvin	BEAS-01354US0	1399

23910   7590   10/18/2007
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EXAMINER
STEELMAN, MARY J

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
10/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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	Application No.	**Applicant(s)**
Office Action Summary	10/780,466	MARVIN ET AL.
	Examiner	**Art Unit**	
	MARY STEELMAN	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 July 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

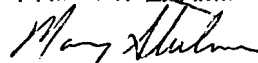8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

MARY STEELMAN
PRIMARY EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>See Continuation Sheet</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3 on 7/30/2007 & 1 on 9/26/2007.

DETAILED ACTION

1.   Claims 1-35 are pending.

Information Disclosure Statement

2.   IDS received 7/30/2007 and 9/26/2007 has been considered. Due to the lengthy IDS

submitted, Examiner requests that Applicant point to any known particularly pertinent

references.

Specification

3.   In view of the amendment to the Specification, the prior objection is hereby withdrawn.

Claim Rejections - 35 USC § 112

4.   In view of the amendments to claims 4, 10, 17, 24, and 31, the prior 35 U.S.C. 112,

second paragraph rejections are hereby withdrawn.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 14-27 are rejected under 35 U.S.C. 101 because claim limitations are directed

towards software per se, which is a non-statutory embodiment. The amendment to recite

'computer based framework' does not obviate over 'software per se'.

Claim language may be amended to recite: "A framework system for providing a

reusable software control, said framework system comprising: a microprocessor, storage media

...", as supported by the Specification at [0076-0077].

Claim 35 is rejected under 35 U.S.C. 101 because claim language recites "a computer

data signal embodied in a transmission medium..." Current guidelines exclude signals as

statutory, as they are not considered a physical article or object to constitute a manufacture

within the meaning of 101, which enables the software to act as a computer component and

realize its functionality.

Claim language may be amended to recite: "A computer program product storage

medium comprising...", as supported by the Specification at [0077].

Claim Objections

6.   Claim 8 is amended to recite "the control includes methods wherein the graphical

representation includes a graphical readable of the methods." Is there possibly a typo? Is it

intended to read, "wherein the graphical representation includes a graphical **representation** of

the methods."

Response to Arguments

7.   Applicant's arguments with respect to claims 1, 8, 14, 21, 28, and 35 have been

considered but they are not persuasive.

Applicant has amended claims to recite "the control includes methods wherein the graphical

representation of the control includes a graphical representation of the methods;"

Kodosky disclosed this feature. As an example, (col. 27, line 19-35) "The user may also create

one or more programs which perform a desired function within the distributed system using the

configuration diagram...may create a graphical program which communicates with one or more

measurement devices by dragging and dropping corresponding device icons into the graphical

program diagram...create a While loop structure...drag and drop device icons corresponding to

sensors into the While loop structure, This may cause the graphical program diagram to be

configured to access these sensors (a graphical representation of the methods) and read data

(method) produced by theses sensors. This operation is described with respect to FIGS. 26 and

27A-E....read or write these data points...

Col. 31: 24-40, "...the user or system may create or assemble a configuration diagram which

includes a device icon (controls) for each of the devices present in the system, program icons

created for programs resident in the devices (graphical representation of the methods), and icons

representing I/O channels, data points, named configurations etc.

Col. 52: 6-25, "A graphical program may be created on the computer system...by the user

arranging on a display a plurality of nodes or icons and then interconnecting the nodes to create

the graphical program...The nodes may be interconnected in one or more of a data flow, control

flow, or execution flow format (graphical representation of the control includes a graphical

representation of the methods)...may thus comprise a plurality of interconnected nodes or icons

which visually indicate the functionality of the program (graphical representation of the

methods)...may comprise a block diagram and may also include a user interface portion or front

panel portion..."

Examiner maintains the rejection of claims 1-35.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent

7,111,243 to Ballard et al., in view of US Patent 7,062,718B2 to Kodosky et al.

Per claim 1, 14, 28, and 35:

A method for providing a reusable software control, comprising:

-incorporating the control into an Integrated Development Environment (IDE), wherein a

graphical representation of the control can be interactively manipulated;

Ballard: FIG. 5 and related text at col. 17: 3-34, IDE 235 to add or modify user interface

elements...text, graphics, images, fields, buttons...user interface element is selected...is a

customizable property

-exposing services associated with the control and related to programmatically interacting with a

portal;

Ballard: Col. 14: 60-67, col. 21: 53-55, server utilities, portal processor 365 that is used to

handle the processing of data requests and instructions passed to and from user application

interface 255

-wherein the control has a customizable interface.

Ballard: Col. 22: 41-43, A customized application user interface 255 optionally includes a

number of configurable user interface elements each further including a number of configurable

properties As an example, (col. 18: 60 – col. 19: 3) privileged user viewing options determined

at development specifies column data to be made available for a specified user.

Ballard failed to explicitly disclose:

-the control includes methods wherein the graphical representation of the control includes a

graphical representation of the methods;

However, Kodosky disclosed:

Kodosky disclosed this feature. As an example, (col. 27, line 19-35) "The user may also create

one or more programs which perform a desired function within the distributed system using the

configuration diagram...may create a graphical program which communicates with one or more

measurement devices by dragging and dropping corresponding device icons into the graphical

program diagram...create a While loop structure...drag and drop device icons corresponding to

sensors into the While loop structure, This may cause the graphical program diagram to be

configured to access these sensors (a graphical representation of the methods) and read data

(method) produced by theses sensors. This operation is described with respect to FIGS. 26 and

27A-E....read or write these data points...

Col. 31: 24-40, "...the user or system may create or assemble a configuration diagram which

includes a device icon (controls) for each of the devices present in the system, program icons

created for programs resident in the devices (graphical representation of the methods), and icons

representing I/O channels, data points, named configurations etc.

Col. 52: 6-25, "A graphical program may be created on the computer system...by the user

arranging on a display a plurality of nodes or icons and then interconnecting the nodes to create

the graphical program...The nodes may be interconnected in one or more of a data flow, control

flow, or execution flow format (graphical representation of the control includes a graphical

representation of the methods)...may thus comprise a plurality of interconnected nodes or icons

which visually indicate the functionality of the program (graphical representation of the

methods)...may comprise a block diagram and may also include a user interface portion or front

panel portion..."

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the

invention, to modify Ballard, using the teachings of Kodosky, because one would be motivated

to (Kodosky, col. 2: 4-6) provide the capability for a user or developer to easily create, distribute

and / or deploy applications. Showing a graphical representation of the control that includes a

graphical representation of the methods simplifies program creation.

Per claims 2, 15, and 29:

-the services can include: a first group of services related to portal tracking;

Ballard: Col. 14: 60-67   FIG. 7 & Col. 18: 17-36,

-a second group of services related to portal personalization.

Ballard: Col. 18: 60-67, optional display properties per specified user   col. 19: 16-17,

configuration is applied to only one user interface element on a specific user interface for a

specific user   col. 27: 4-11, customization of the interaction models used for communication

between internet application system 250 and the client displaying application user interface 255

Per claims 3, 16, 23, and 30:

-the interactive manipulation of the control includes: graphically connecting the control to other

controls to establish flow-of-control at run-time.

Ballard disclosed (col. 27: 4-5) customization of the interaction models, but failed to explicitly disclose 'graphically connecting the control to other controls to establish flow of control.

However, Kodosky disclosed a graphical programming environment, nodes (col. 2: 61-63) are connected to show flow of program control.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Ballard, using the teachings of Kodosky, because one would be motivated to (Kodosky, col. 2: 4-6) provide the capability for a user of developer to easily create, distribute and / or deploy applications.

Per claims 4, 17, and 31:

-the control includes annotated code.

Ballard: Col. 29: 28-44, HTML / Javascript...JAVA

Per claims 5, 18, and 32:

-the control can use other controls.

Col. 9: 37-39 & 46-58, A functional property of a user interface element (control) can include logic, data processing and responsiveness to user input...The functionality of user interface elements also includes the underlying processes associated with each element. ...displaying error messages (in a text box control element), modifying the order of element focus...

Per claims 6, 19, and 33:

-specifying IDE characteristics of the control.

Col. 10: 1-27, The user interface elements developed in step 50...customizable properties. These

properties are either attributes of a predefined user interface element or are selected during the

design of the element...Step 50 optionally includes determination of a data record used to hold

value characterizing a customizable property of the user interface element and generation of

metadata including a reference to the data record (IDE characteristics).

Per claims 7, 20, and 34:

-the services related to interacting with a portal can include one or more of: portal

personalization, portal events and portal configuration.

Ballard: col. 27: 4-11, customization of the interaction models used for communication (portal

personalization)

Per claims 8 and 21:

A method for providing a reusable software control, comprising:

-incorporating the control into an Integrated Development Environment (IDE), wherein a

graphical representation of the control can be interactively manipulated by graphically

connecting the control to other controls to establish flow-of-control at run-time;

-exposing services associated with the control and related to programmatically interacting with a

portal;

-wherein the control has a customizable interface.

Ballard disclosed customizable control elements and IDE. Ballard disclosed customizing the

portal communication interfaces, exposing services. See rejection of limitations addressed

above. Ballard disclosed (col. 27: 4-5) customization of the interaction models.

Ballard failed to explicitly disclose:

-connecting the control to other controls to establish flow of control at run time.

-the control includes methods wherein the graphical representation includes a graphical readable/

representation of the methods;

However, Kodosky disclosed such an invention. Kodosky disclosed a graphical programming

environment, nodes (col. 2: 61-63) are connected to show flow of program control.

However, Kodosky disclosed:

Kodosky disclosed this feature. As an example, (col. 27, line 19-35) "The user may also create

one or more programs which perform a desired function within the distributed system using the

configuration diagram...may create a graphical program which communicates with one or more

measurement devices by dragging and dropping corresponding device icons into the graphical

program diagram...create a While loop structure...drag and drop device icons corresponding to

sensors into the While loop structure, This may cause the graphical program diagram to be

configured to access these sensors (a graphical representation of the methods) and read data

(method) produced by theses sensors. This operation is described with respect to FIGS. 26 and

27A-E....read or write these data points...

Col. 31: 24-40, "...the user or system may create or assemble a configuration diagram which includes a device icon (controls) for each of the devices present in the system, program icons created for programs resident in the devices (graphical representation of the methods), and icons representing I/O channels, data points, named configurations etc.

Col. 52: 6-25, "A graphical program may be created on the computer system...by the user arranging on a display a plurality of nodes or icons and then interconnecting the nodes to create the graphical program...The nodes may be interconnected in one or more of a data flow, control flow, or execution flow format (graphical representation of the control includes a graphical representation of the methods)...may thus comprise a plurality of interconnected nodes or icons which visually indicate the functionality of the program (graphical representation of the methods)...may comprise a block diagram and may also include a user interface portion or front panel portion..."

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Ballard, using the teachings of Kodosky, because one would be motivated to (Kodosky, col. 2: 4-6) provide the capability for a user of developer to easily create, distribute and / or deploy applications.

Per claims 9 and 22:

Ballard: Col. 14: 60-67   FIG. 7 & Col. 18: 17-36

Per claims 10 and 24:

-the control includes annotated code.

Ballard: Col. 29: 28-44, HTML / Javascript...JAVA

Per claims 11 and 25:

-the control can use other controls.

Col. 9: 37-39 & 46-58, A functional property of a user interface element (control) can include logic, data processing and responsiveness to user input...The functionality of user interface elements also includes the underlying processes associated with each element. ...displaying error messages (in a text box control element), modifying the order of element focus...

Per claims 12 and 26:

-specifying IDE characteristics of the control.

Col. 10: 1-27, The user interface elements developed in step 50...customizable properties. These properties are either attributes of a predefined user interface element or are selected during the design of the element...Step 50 optionally includes determination of a data record used to hold value characterizing a customizable property of the user interface element and generation of metadata including a reference to the data record (IDE characteristics).

Per claims 13 and 27:

-the services related to interacting with a portal can include one or more of: portal

personalization, portal events and portal configuration.

Ballard: col. 27: 4-11, customization of the interaction models used for communication (portal

personalization)

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

MARY STEELMAN
PRIMARY EXAMINER

10/09/2007